IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Application No.6709 of 2007
IN
Misc. Civil Application [Review] St. No. 14704 of 2007
IN
Writ Petition No. 2457 of 1995
[Dipak K. Harsulkar Vs. SDO, PW Sub-Divn. & ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. P.S. Patil, Advocate for the applicant.
Mr. Kalte, AGP for Respondents.

CORAM : A.B.CHAUDHARI, J.

DATE : 17th September,2007.

This is an application for condonation of delay in filing the Review Petition.

Heard.

For the reasons stated in the application, the delay of 143 days is condoned. Civil Application is allowed.

Misc. Civil Appln. St. No.14704/07 :

This is an application for review of

Judgment of this Court dated 15th March, 2007.

Heard.

Learned Counsel for the review petitioner argued that the issue whether the respondent no.1 was working in Employment Guarantee Scheme or not was decided by the Labour and Industrial Courts and, therefore, there was no question of framing any issue as to whether the establishment where the review petitioner was working was an industry or not.

Counsel for the parties took me through the decisions of Labour and Industrial Courts and this Court. It is noticed that the review-petitioner remained absent when this Court decided the Writ Petition on 15th March, 2007. Now, it is being contended that there is a finding that the review petitioner was not working in Employment Guarantee Scheme. Though there was no need to go through those findings of the Labour and Industrial Courts, I went through the same. I find that there is no such finding based on evidence on this particular aspect, as contended by the learned Counsel. Hence the issue has been framed by this Court and the Labour Court has been directed to decide the said issue by considering the evidence of both the parties and the documents on record.

I do not find any error in the judgment

under review. There is no substance in the Review Petition. The same is dismissed with costs of Rs.2,000-00 [rupees two thousand only] payable to the respondents in this Review Petition, within four weeks.

Judge

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